

April 9, 2007

Jennifer L. Richter
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Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

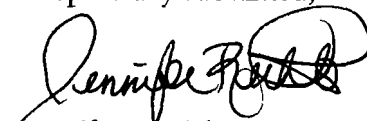
Re: **Ex Parte Notice**
CC Docket No. 02-6

Dear Ms. Dortch:

On Wednesday, **April 4, 2007**, Jennifer Richter and Cynthia Schultz of Patton Boggs, LLP, counsel for SEND Technologies, LLC / Nexus Systems, had a telephonic call with Gina Spade, Karen Johnson and Regina Brown of the Federal Communications Commission. The purpose of the informal meeting was to discuss, generally, appeals that were filed in recent months involving e-rate applications for the Louisiana School Parishes listed on the attached. We also discussed, generally, the unavailability of the administrative record related to certain E-rate appeals that were filed today, and followed up our telephonic meeting by forwarding correspondence between counsel and USAC in which USAC denied the administrative record for certain appeals. That correspondence is also attached hereto.

Pursuant to Section 1.1206(b) of the Commission's rules, an electronic copy of this letter is being filed with the office of the Secretary. Please contact the undersigned if there are any questions or comments associated with this notice.

Respectfully submitted,



Jennifer L. Richter
Counsel to SEND Technologies, LLC / Nexus Systems, Inc.

cc: Gina Spade
Karen Johnson
Regina Brown

4880050

Louisiana Erate Applications Under Appeal

APPLICANT	APPLICATION NUMBER	FRN(s)	FY
April Consolidated Appeal Applications			
Caldwell Parish	289493	798393 798460	2002
Lincoln Parish	302051	776890	2002
Madison Parish	287193	777243 777287	2002
Tensas Parish	288236	798439 798470 798480	2002
Webster Parish	292756	795284 800324 800347 800473	2002
November Consolidated Appeal and March Supplement Applications			
Morehouse Parish	301743	782233 819080 819270 819319 819485 819629 819783 819884 820088	2002
Morehouse Parish	360815	976694	2003
Morehouse Parish	409404	1122380	2004
Richland Parish	291953	817045 817085	2002

APPLICANT	APPLICATION NUMBER	FRN(s)	FY
		817658 817708 817992 818088	
Webster Parish	363968	987500	2003
Jackson Parish	376220	1030905	2003
Jackson Parish	423981	1171008	2004
Franklin Academy	412894	1133118	2004

Richter, Jennifer

From: Richter, Jennifer
Sent: Wednesday, April 04, 2007 5:12 PM
To: 'Gina Spade'; 'karen.johnson@fcc.gov'
cc: Schultz, Cynthia
Subject: FW: Request for Administrative Record for Recent SEND Denials

Gina and Karen --

As we discussed, USAC has denied us access to the administrative record for 5 additional funding denials which must be appealed this Monday, April 9th. We are not seeking documents that are different than the documents we were previously provided with respect to the similarities appeals. We are seeking the administrative record on which USAC has made its decision and on which the FCC will be making its decision. We need to have the facts on which the decision was made in order to ascertain whether or not USAC has properly applied the law to the facts and if there is an appealable decision. Our client SEND/NEXUS is a party in interest and should not have to file a FOIA request in order to obtain the record on which USAC has made its decision. All of the schools involved in these appeals, both the appeals that were previously filed, and the ones that will be filed on Monday, were involved in lengthy selective reviews. That should not be a justification for denying SEND access to the administrative record for these additional 5 schools. Any help you can provide in getting us the administrative record would be appreciated. Thank you.

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-----Original Message-----

From: Kristy Carroll [mailto:kcarroll@usac.org]
Sent: Wednesday, March 28, 2007 10:09 AM
To: Richter, Jennifer
Cc: Schultz, Cynthia; David Capozzi; Royce Bancroft
Subject: RE: Request for Administrative Record for Recent SEND Denials

Jennifer --

In response to your request, USAC's records indicate that your client, SEND Technologies, was sent USAC's decision letters. Therefore, we would request that you obtain the letters from your client. If your client has misplaced them or believes they did not receive them, we will provide copies to you as SEND Technologies' attorney. With respect to any other documents that may be part of USAC's decision in these cases, USAC has determined it will not release those documents because they are

part of USAC's Selective Review process. Not providing Selective Review documents is consistent with FCC orders with respect to FOIA requests

USAC provided you with certain documents in response to a similar type of request from you last fall. Those documents were not part of USAC's Selective Review process, and so USAC provided those documents to you

-Kristy

-----Original Message-----

From: Richter, Jennifer [mailto:JRichter@PattonBoggs.com]
Sent: Monday, March 26, 2007 3:44 PM
To: Richter, Jennifer; Kristy Carroll; Royce Bancroft
Cc: Schultz, Cynthia
Subject: RE: Request for Administrative Record for Recent SEND Denials

Kristy and Royce --

Could you let me know the timing of providing the administrative record as requested below? Thanks!

Jennifer

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-----Original Message-----

From: Richter, Jennifer
Sent: Tuesday, March 20, 2007 11:08 AM
To: 'Kristy Carroll'; 'rbancroft@usac.org'
Cc: Schultz, Cynthia
Subject: Request for Administrative Record for Recent **SEND** Denials

Kristy/Royce,

This is a request for the USAC Administrative Record pertaining to all 471 applications and related FRNs listed in the "further Explanation of Administrator's funding Decision" issued on February 8, 2007 to the following:

Caldwell Parish School District

471 # 289493
FRNs 798393,798460

Lincoln Parish School District
471 # 302051
FRN 776890

Madison Parish School board
471 # 287193
FRNs 777243, 777287

Tensas Parish School District
471 # 288236
FRNs 798439,798470,798480

Webster Parish School District
471 # 292756
FRNs 795284,800324,800347,800473

The appeals must be filed with the FCC by early April. We apologize for the delay in asking for the record. Your prompt attention to this request is needed and appreciated.

The "Further Explanation" letters indicate that USAC intends to issue RFCDLs for these applications to provide the basis for the denials. Six weeks have passed since the RFCDLs were sent. Could you please advise us as to whether USAC has issued these letters to all of the listed applicants and, if not, a timeframe when it intends to do so?

Thank you for your assistance.

Best regards,

Cynthia Schultz and Jennifer Richter

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